

AS

Notice of Allowability

Application No.

09/594,621

Applicant(s)

SOUZA ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/20/2004.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 15 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>4/21/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. The Examiner has carefully considered Applicant's present response filed on February 20, 2004. All rejections have been overcome.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

1. A magnetically detectable composite structural reinforcement device to be applied to a structural member in a plurality of overlying layers, comprising

a first elongate generally planar ply formed of a high tensile strength material impregnated with a curable resin, said first ply having a longitudinal axis and first and second edges;

a second elongate generally planar ply formed of a high tensile strength material impregnated with a curable resin, said second elongate ply having a longitudinal axis and first and second edges, said second ply disposed in overlying relation to said first ply with said longitudinal axes and said edges of said plies in alignment; and

an elongate generally planar detectable ply formed of magnetically detectable material, said detectable ply having a longitudinal axis and first and second edges, said

Art Unit: 1771

detectable ply disposed and interconnected between said first and second plies with said first and second edges of said detectable ply in mutual alignment with said first and second edges of said first and second plies;

said plies bonded together to form a continuous elongate ~~magnetically detectable~~ body having a longitudinal axis parallel to said longitudinal axes of said plies, having an upper face and a lower face, and having first and second edges, said body being magnetically detectable by a pipeline structural integrity monitoring device.

21. A magnetically detectable composite structural reinforcement device to be applied to a structural member in a plurality of overlying layers, comprising

a continuous elongate body formed of a high tensile strength material impregnated with a curable resin, said body having a longitudinal axis, having an upper face and a lower face, and having first and second edges; and

magnetic detection means formed of magnetically detectable material interconnected to said body whereby said body is magnetically detectable, by a pipeline structural integrity monitoring device.

3. Authorization for this examiner's amendment was given in a telephone interview with Ronald Sefrna on April 21 and April 22, 2004.

Art Unit: 1771

Reasons for Allowance

4. Claims 1, 3, 21 and 25 are allowed. Claims 12 and 17 were previously allowed in paragraph 4 of the Office Action dated May 16, 2003. Claims 2, 4 – 11, 13 – 16, 18 – 20 and 22 – 25 were previously allowed in paragraph 5 of the Office Action dated May 16, 2003, if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims; it is noted that all requirements have been met since claims 1 and 21 are now allowed. In summary, claims 1 – 25 are allowed.


5. The following is an examiner's statement of reasons for allowance: the rejection as being anticipated by Zweben et al. (US 4,888,247) have been overcome by the present response. While Zweben et al. (US 4,888,247) is believed to be the most pertinent art, it fails to teach or suggest that the composite contains a sufficient amount of magnetically detectable material in order to be detected by a pipeline structural integrity monitoring device.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd
April 22, 2004


Ula C. Ruddock
Primary Examiner
Tech Center 1700